

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID SUMMER, et al.,

Plaintiffs,

v.

MARISSA A. MAYER, et al.,

Defendants.

Case No. 17-CV-00787-LHK

**ORDER STAYING CASE PENDING
FINAL JUDGMENTS IN SECURITIES
AND CUSTOMER CLASS ACTIONS;
ORDER DENYING AS MOOT
MOTIONS; ORDER DENYING
STIPULATION**

Re: Dkt. Nos. 24, 30, 31, 34, 36, 39

Pursuant to the Parties' stipulation, ECF No. 39, "the Parties agree that the Derivative Action, Securities Class Action, and Customer Class Action involve certain overlapping defendants and certain common questions of fact related to the theft of user data from the Company's servers in 2013 and 2014, and the Company's response thereto." *Id.* at 2. Further, "the Parties agree that certain of the relief requested and potential damages in this Derivative Action may be affected by the outcomes of the Securities Class Action and the Customer Class Action, and those actions may help inform the manner in which the Derivative Action proceeds." *Id.* "[G]iven the circumstances of this case, in the interests of judicial efficiency, and to preserve the Company's and the Court's resources," the Parties "agree that a stay of this Derivative Action

in favor of the Securities Class Action and Customer Class Action at this time is appropriate and in the Company's best interests." *Id.*

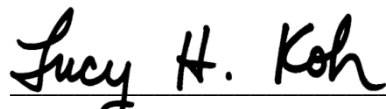
Accordingly, the Court hereby stays this Derivative Action until entry of final judgments in the Securities Class Action and the Customer Class Action. The Clerk shall administratively close the file, which is a purely internal administrative procedure that does not affect the rights of the parties.

As a result, the Court DENIES as moot: (1) the motion to seal the verified consolidated stockholder derivative complaint, ECF No. 24; (2) the motion to dismiss, ECF No. 30; (3) the request for judicial notice in support of the motion to dismiss, ECF No. 31; (4) the motion to stay, ECF No. 34; (5) the motion to seal in support of the motion to dismiss, ECF No. 36.

Plaintiffs shall not amend the complaint during the Parties' agreed-to stay. Thus, the Parties' stipulation, ECF No. 39, is DENIED. During the pendency of the stay, the Parties need not re-file the above motions to seal denied as moot. There shall be no further filings in this case until final judgment is entered in the Securities Class Action and the Customer Class Action.

IT IS SO ORDERED.

Dated: September 25, 2017



LUCY H. KOH
United States District Judge